

Representative Ken Ivory proposes the following substitute bill:

SENSITIVE MATERIALS IN SCHOOLS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This bill prohibits certain sensitive instructional materials in public schools.

Highlighted Provisions:

This bill:

- ▶ defines certain instructional materials as sensitive materials;
- ▶ prohibits sensitive materials in a public school;
- ▶ requires the State Board of Education (state board) to, in consultation with the

Office of the Attorney General, provide guidance and training to public schools on identifying sensitive materials;

- ▶ requires the state board to report to the Education Interim Committee and the Government Operations Interim Committee on:

- implementation and compliance with the certain provisions; and
- complaints a local education agency or the state board receives regarding a

violation of provisions in this bill;

- ▶ defines terms; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53E-4-202**, as last amended by Laws of Utah 2021, Chapters 84 and 345

31 **53E-4-403**, as last amended by Laws of Utah 2019, Chapter 186

32 ENACTS:

33 **53G-10-103**, Utah Code Annotated 1953



35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **53E-4-202** is amended to read:

37 **53E-4-202. Core standards for Utah public schools.**

38 (1) (a) In establishing minimum standards related to curriculum and instruction
39 requirements under Section **53E-3-501**, the state board shall, in consultation with local school
40 boards, school superintendents, teachers, employers, and parents implement core standards for
41 Utah public schools that will enable students to, among other objectives:

- 42 (i) communicate effectively, both verbally and through written communication;
- 43 (ii) apply mathematics; and
- 44 (iii) access, analyze, and apply information.

45 (b) Except as provided in this public education code, the state board may recommend
46 but may not require a local school board or charter school governing board to use:

- 47 (i) a particular curriculum or instructional material; or
- 48 (ii) a model curriculum or instructional material.

49 (2) The state board shall, in establishing the core standards for Utah public schools:

- 50 (a) identify the basic knowledge, skills, and competencies each student is expected to
51 acquire or master as the student advances through the public education system; and
- 52 (b) align with each other the core standards for Utah public schools and the
53 assessments described in Section **53E-4-303**.

54 (3) The basic knowledge, skills, and competencies identified pursuant to Subsection
55 (2)(a) shall increase in depth and complexity from year to year and focus on consistent and
56 continual progress within and between grade levels and courses in the basic academic areas of:

- 57 (a) English, including explicit phonics, spelling, grammar, reading, writing,
58 vocabulary, speech, and listening; and
- 59 (b) mathematics, including basic computational skills.
- 60 (4) Before adopting core standards for Utah public schools, the state board shall:
- 61 (a) publicize draft core standards for Utah public schools on the state board's website
62 and the Utah Public Notice website created under Section [63A-16-601](#);
- 63 (b) invite public comment on the draft core standards for Utah public schools for a
64 period of not less than 90 days; and
- 65 (c) conduct three public hearings that are held in different regions of the state on the
66 draft core standards for Utah public schools.
- 67 (5) LEA governing boards shall design their school programs, that are supported by
68 generally accepted scientific standards of evidence, to focus on the core standards for Utah
69 public schools with the expectation that each program will enhance or help achieve mastery of
70 the core standards for Utah public schools.
- 71 (6) Except as provided in [~~Section~~] [Sections 53G-10-103 and 53G-10-402](#), each school
72 may select instructional materials and methods of teaching, that are supported by generally
73 accepted scientific standards of evidence, that the school considers most appropriate to meet
74 the core standards for Utah public schools.
- 75 (7) The state may exit any agreement, contract, memorandum of understanding, or
76 consortium that cedes control of the core standards for Utah public schools to any other entity,
77 including a federal agency or consortium, for any reason, including:
- 78 (a) the cost of developing or implementing the core standards for Utah public schools;
79 (b) the proposed core standards for Utah public schools are inconsistent with
80 community values; or
- 81 (c) the agreement, contract, memorandum of understanding, or consortium:
- 82 (i) was entered into in violation of Chapter 3, Part 8, Implementing Federal or National
83 Education Programs, or Title 63J, Chapter 5, Federal Funds Procedures Act;
- 84 (ii) conflicts with Utah law;
- 85 (iii) requires Utah student data to be included in a national or multi-state database;
- 86 (iv) requires records of teacher performance to be included in a national or multi-state
87 database; or

88 (v) imposes curriculum, assessment, or data tracking requirements on home school or
89 private school students.

90 (8) The state board shall submit a report in accordance with Section 53E-1-203 on the
91 development and implementation of the core standards for Utah public schools, including the
92 time line established for the review of the core standards for Utah public schools by a standards
93 review committee and the recommendations of a standards review committee established under
94 Section 53E-4-203.

95 Section 2. Section 53E-4-403 is amended to read:

96 **53E-4-403. Commission's evaluation of instructional materials --**
97 **Recommendation by the state board.**

98 (1) Semi-annually after reviewing the evaluations of the commission, the state board
99 shall recommend instructional materials for use in the public schools.

100 (2) The standard period of time instructional materials shall remain on the list of
101 recommended instructional materials shall be five years.

102 (3) Unsatisfactory instructional materials may be removed from the list of
103 recommended instructional materials at any time within the period applicable to the
104 instructional materials.

105 (4) Except as provided in [Section] Sections 53G-10-103 and 53G-10-402, each school
106 shall have discretion to select instructional materials for use by the school. A school may
107 select:

- 108 (a) instructional materials recommended by the state board as provided in this section;
- 109 or
- 110 (b) other instructional materials the school considers appropriate to teach the core
111 standards for Utah public schools.

112 Section 3. Section 53G-10-103 is enacted to read:

113 **53G-10-103. Sensitive instructional materials.**

114 (1) As used in this section:

115 (a) (i) "Instructional material" means a material, regardless of format, used:

116 (A) as or in place of textbooks to deliver curriculum within the state curriculum
117 framework for courses of study by students; or

118 (B) to support a student's learning in the school setting.

- 119 (ii) "Instructional material" includes reading materials, handouts, videos, digital
120 materials, websites, online applications, and live presentations.
- 121 (b) "LEA governing board" means:
- 122 (i) for a school district, the local school board;
123 (ii) for a charter school, the charter school governing board; or
124 (iii) for the Utah Schools for the Deaf and the Blind, the state board.
- 125 (c) "Material" means the same as that term is defined in Section [76-10-1201](#).
- 126 (d) "Minor" means any person less than 18 years old.
- 127 (e) "Public school" means:
- 128 (i) a district school;
129 (ii) a charter school; or
130 (iii) the Utah Schools for the Deaf and the Blind.
- 131 (f) (i) "School setting" means, for a public school:
- 132 (A) in a classroom;
133 (B) in a school library; or
134 (C) on school property.
- 135 (ii) "School setting" includes the following activities that an organization or individual
136 or organization outside of a public school conducts, if a public school or an LEA sponsors or
137 requires the activity:
- 138 (A) an assembly;
139 (B) a guest lecture;
140 (C) a live presentation; or
141 (D) an event.
- 142 (g) (i) "Sensitive material" means an instructional material that is pornographic or
143 indecent material as that term is defined in Section [76-10-1235](#).
- 144 (ii) "Sensitive material" does not include an instructional material:
- 145 (A) that an LEA selects under Section [53G-10-402](#);
146 (B) for medical courses;
147 (C) for family and consumer science courses; or
148 (D) for another course the state board exempts in state board rule.
- 149 (2) (a) Sensitive materials are prohibited in the school setting.

150 (b) A public school may not:
151 (i) adopt, use, distribute, provide a student access to, or maintain in the school setting,
152 sensitive materials; or
153 (ii) permit a speaker or presenter in the school setting to display or distribute sensitive
154 materials.
155 (3) The state board shall:
156 (a) in consultation with the Office of the Attorney General, provide guidance and
157 training to support public schools in identifying instructional materials that meet the definition
158 of sensitive materials under this section; and
159 (b) report to the Education Interim Committee and the Government Operations Interim
160 Committee, at or before the November 2022 interim meeting, on implementation and
161 compliance with this section, including:
162 (i) any policy the state board or an LEA adopts to implement or comply with this
163 section;
164 (ii) any rule the state board makes to implement or comply with this section; and
165 (iii) any complaints an LEA or the state board receives regarding a violation of this
166 section, including:
167 (A) action taken in response to a complaint described in this Subsection (4)(b)(iii); and
168 (B) if an LEA retains an instructional material for which the LEA or the state board
169 receives a complaint, the LEA's rationale for retaining the instructional material.